

corporations shall be under the county. However, the counties are not given any authority over existing municipal corporations. I suggest to you that the Committee's recommendation thus creates a two-headed monster; existing municipal corporations would be handled in one way and new municipal corporations in another.

Now, the sponsors of the Committee recommendation, the persons who are insistent that municipal corporations stay under the General Assembly, state that there is competition between the counties and the municipal corporations, and that it would be unfair to give one competitor an edge.

I submit that this is partly true, and partly not true. Insofar as the structure of the government of municipal corporations is concerned there is no competition between the counties and the municipalities. Insofar as the powers which may be exercised by municipal corporations are concerned, there is no competition between the counties and municipalities. The evidence before our committee bore this out.

There is one area in which there is competition between the counties and municipalities, and that is the area of a territory. Since 1954, municipal corporations in this State have operated under Article XI(E) of the Constitution and Article 23-A of the Maryland Code.

Under Article XXIII(a) of the Maryland Code they have had the right to annex territory outside of their boundaries without any voice in the matter being given to the counties. They can do so without the county even knowing about it. It happens, and has happened often. I submit to you that this troublesome area of annexation is a local problem; that it is a matter which should be determined locally.

At the present time it is determined by a formula which is in Article 23-A. I submit that the formula does not work in all instances. In many cases, the annexation by a municipal corporation has been good, beneficial, and should have taken place. In other cases, it has been harmful and detrimental. The most outstanding examples of cases where they have been detrimental have been annexations without regard to master zoning plans or master highway plans of the county.

I might add that some developers in some instances have made gambles. If they have been able to obtain the zoning through the county, they then have asked the municipalities to (a) annex them; and (b) grant them zoning. This approach has been done.

I suggest that this troublesome problem can be best settled at the local area, by the local governing bodies.

I think it would be a great step forward if we set up machinery in this Constitution whereby the municipal corporations and the counties would be required to sit down and work over their problems at the same table. I have faith and confidence that they would do so.

Let us assume that in a particular annexation situation there is a deadline, and that the county and the municipality cannot agree. Should the county be given the right to veto?

I suggest to you that it should. The county is the basic unit of local government. We are here increasing the powers of the counties in this matter of home rule. We are mandating home rule.

More than that, this solution which I suggest is fair. If you will read my amendment, you will see that the boundaries of a municipal corporation cannot be diminished without its consent. All my amendment suggests is the same treatment for the counties. The municipal corporations should not be allowed to enlarge their boundaries into the county area without the county's consent.

**THE CHAIRMAN:** Does any delegate desire to speak in opposition?

Delegate Moser.

**DELEGATE MOSER:** Briefly, Mr. Chairman and ladies and gentlemen, Mr. Macdonald was, as you no doubt conceived, the "1" in the 18 to 1 vote by which our Committee adopted sections 7.07, 7.08, and 7.09.

His amendment presents the opposite end of the spectrum from Delegate James' proposal, and that is the best way to describe it.

One of the possible problems I see in Delegate Macdonald's amendment is a technical problem. In lines 17 and 18 Delegate Macdonald's proposal limits the preservation of existing powers to those set forth in the municipal charter.

In some instances municipalities do not have the power to amend their charters, and this might create a problem. Of course, a county could permit a municipality within its boundaries to amend its charter.

This is why when speaking in opposition to Delegate James' proposal, I suggested that we stay with the Committee draft.